

REMARKS

With entry of this amendment, claims 16-18, 20, 21, and 28-48 are pending in this application. Of these, claims 16-18, 20, and 21 stand rejected, and claims 28-48 have been newly added. Claims 19 and 22-24 have been cancelled, thereby rendering the Examiner's rejections of these claims moot. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Specification Objections

The specification stands objected to because "the headings should not be underlined or in bold face lettering." Applicant traverses this objection, because neither the C.F.R. nor the M.P.E.P. forbid underlining headings or placing the headings in bold face lettering. Applicant notes that paragraph addressing the headings of the specification in §608.01(a) of the M.P.E.P. is only suggestive in that it states that the headings should appear in upper case, without underling or bold type. In fact, just above this citation, the M.P.E.P states "the following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use." As such, Applicant requests that the Examiner withdraw the objection of this objection.

Claim Rejections-35 U.S.C. §102

Claims 16 and 20-23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,141,365 issued to Fischell, et al. ("Fischell"). Applicant respectfully traverses this rejection, since Fischell does not disclose each and every element required by these claims, as amended.

In particular, independent claim 16 has been amended to clarify that the medical lead has a hollow, tubular membrane structure. In contrast, the medical lead of Fischell is not a hollow, tubular membrane structure. In addition, independent claim 16 requires the tubular structure to be configured to expand into a crescent cross-sectional shape. In contrast, the medical lead of Fischell has a rectangular or oval cross-section.

Thus, Applicant submits that independent claim 16, as well as the claims depending therefrom (claims 20-23), are not anticipated by Fischell, and as such, respectfully requests withdrawal of the §102 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claim 24 stands rejected under 35 U.S.C. §103 as being obvious over Fischell in view of U.S. Patent No. 5,417,719 issued to Hull et al. (“Hull”). Applicant respectfully traverses this rejection, since neither of these references, do not, alone or in combination, disclose, teach, or suggest the combination of elements required by claim 24.

In particular, as discussed above, Fischell does not disclose a hollow tubular membrane structure configured to expand into a crescent cross-sectional shape, and Hull does not supplement this failed teaching. Thus, Applicant submits that claim 24 is not obvious in view of Fischell and Hull, and as such, respectfully requests withdrawal of the §103 rejections of these claims.

New Claims

Applicant submits that newly added claims 28-48 find support in the originally filed application, and are believed to be patentable over the cited prior art. In particular, claims 28-34 depend from independent claim 16, and therefore are patentable for the same reasons as independent claim 16 is, as discussed above. Independent claim 35, as well as the claims depending therefrom

(claims 36-48), require a flaccid electrically insulative tubular membrane, and a resilient spring element configured to expand the tubular membrane into a non-circular cross-sectional shape, a combination not disclosed in the cited prior art.

Applicant also notes that while newly added method claims 31-34, which depend from independent claim 16, and newly added claims 45-48, which depend from independent claim 35, are directed to the non-elected invention in Group III, Applicant requests that the Examiner allows these claims upon the allowance of claims 16 and 35 from which they depend.


Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

Respectfully submitted,

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